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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/614,740 | 07/08/2003 | John Frank Kralic | T2211-908586 | 6209 |

181 7590 01/11/2005

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

| EXAMINER |
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WUJCIAK, ALFRED J

| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,740

Applicant(s)

KRALIC, JOHN FRANK

Examiner

Alfred Joseph Wujciak III

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the final Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

Drawings

The drawings were received on 10/14/04. These drawings are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 30-31, 35-36, 38-50, 53, 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,142,434 to Trost et al. and in view of US Patent Application #2001/0031329 to Shaffer.

Trost et al. teaches a cross arm (22) for a utility pole (12) having a fastening system. The fastening system includes clamping means (10). The clamping means is being secured to pole operative to extend about the cross arm. The clamping means includes a saddle/seat (46) that incorporates end portion of cross arm. The clamping means having a clamping force (44) for clamping about the pole. The saddle/seat secures the cross arm by mechanical fastening (86). The cross arm has an extension arm (14) extending upwardly from the cross-arm.

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Trost et al. teaches the cross arm and extension arm but fails to teach the cross arm and extension arm are formed of metallic and coated with insulatory coating. Shaffer teaches a hollow steel (section 0024) having plastic (epoxy) insulating material (4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross arm with metallic and coated with plastic insulating material as taught by Shaffer to provide additional strength for supporting an object above thereon and to prevent electrical shock.

In regard to claims 57-59, Trost et al. in view of Shaffer teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for elements in method to provide a convenience for setting up the cross arm on the pole.

Claims 29, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Shaffer and in further view of US Patent Application Publication #2003/0173104 to Dell'Anna et al.

Trost et al. in view of Shaffer teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10KV/mm and the material is thermoplastic. Dell'Anna et al. teaches the coating having dielectric strength of greater than 10KV/mm (section [0034], lines 13-14) and the material is thermoplastic (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Shaffer's coating with dielectric strength of greater than 10KV/mm and material to

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thermoplastic as taught by Dell'Anna et al. to provide additional protection on the outer surface of the coating to reduce change of being electrode when touching the coating.

Claims 32 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Shaffer and in further view of US Patent # 4,085,010 to Ishimori et al.

Trost et al. in view of Shaffer teaches the coating but fails to teach the coating includes an electrolytic powder coating process. Ishimori et al. teaches the coating is an electrolytic powder coating process (col. 1, lines 5-68). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have included electrolytic powder coating process to Trost et al. in view of Shaffer's coating as taught by Ishimori et al. to provide additional protection from the electrical shock.

Claims 33 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Shaffer and in further view of US Patent # 6,146,576 to Blackmore.

Trost et al. in view of Shaffer teaches the coating but fails to teach coating is made of nylon material. Blackmore teaches the coating (16) made of nylon material. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Shaffer's coating with nylon material as taught by Blackmore to provide designer's choice of material for coating.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Shaffer and in further view of US Patent # 6,464,196 to Crookham et al.

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Trost et al. teaches the pole (12) but fails to teach the pole is made of steel. Crookham et al. teaches the pole (20) is made of steel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s pole with steel as taught by Crookham et al. to provide additional strength in the pole to withstand the bad storm.

Response to Arguments

Applicant's arguments filed 10/14/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner is using Shaffer's invention as a secondary reference with insulatory coating to add on Trost et al. cross arm to provide prevention from being electrode. Since Trost et al.'s cross arm and Shaffer's pipe are elongated in longitudinal (horizontal) direction and in tubular shape and that Shaffer's coating can be used on Trost et al.'s cross arm.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

ATW

4/5/05


ANITA KING
PRIMARY EXAMINER